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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,104

03/19/2004

Jari Makinen

59643.00374

7097

32294 7590 05/17/2007  
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EXAMINER

AZAD, ABUL K

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/804,104

Applicant(s)

MAKINEN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-22 are pending in this office action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Su et al. (US 6,823,303).

As per claim 1, Su teaches, "a method of encoding speech in a communications system", said method comprising the steps of:

"receiving a speech signal including voice signals and background signals" (Fig. 1b element 1550;

"detecting voice activity and providing an indicator when no voice activity is detected" (Fig. 2, element 235);

"encoding the speech signal to generate a plurality of parameters representing the signal" (Fig. 1b element 185); and

"when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is

present, modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter" (col. 6, lines 32-65).

As per claim 2, Su teaches, "wherein the plurality of parameters includes a linear prediction calculation vector of quantized linear prediction filter coefficients" (col. 9, lines 19-67).

As per claim 3, Su teaches, "wherein the plurality includes a gain parameter based on open-loop lag value" (col. 10, lines 10-16).

As per claim 4, Su teaches, "wherein the plurality of parameters includes a residual vector" (col. 7, lines 18-28).

As per claim 5, Su teaches, "wherein the speech signal is received as a sequence of samples arranged in frames" (col. 9, lines 26-35).

As per claim 6, Su teaches, "wherein the step of modifying the at least one parameter includes smoothing the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal" (col. 10, lines 1-27).

As per claim 7, Su teaches, "wherein said other frames include adjacent frames" (col. 10, lines 1-27).

As per claim 8, Su teaches, "wherein the step of modifying the at least one parameter includes producing a count of the number of received frames up to a predetermined maximum, and using said count in the modifying step" (col. 14, lines 14-36).

As per claim 9, Su teaches, "wherein the step of modifying at the least one parameter includes generating a randomized value for the parameter" (col. 14, lines 14-36).

As per claim 10, Su teaches, "wherein the step of modifying the at least one parameter includes taking into account the energy levels associated with the parameter" (col. 13, lines 5-10).

As per claim 11, Su teaches, "wherein the step of modifying the at least one parameter includes modifying a value utilized in the generation of the parameter, whereby modification of that value produces a modified parameter" (col. 14, lines 14-36).

As per claim 12, Su teaches, "wherein the step of modifying the value comprises randomizing the value" (col. 10, lines 17-37).

As per claims 13-22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-12.

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Art Unit: 2626

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

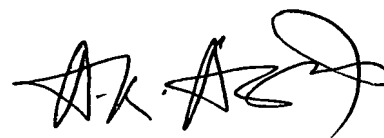
**Alexandria, VA 22313-1450**

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2007

A handwritten signature in black ink, appearing to read 'Abul K. Azad', with a stylized flourish at the end.

Abul K. Azad  
Primary Examiner  
Art Unit 2626